

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

DAMONIE EARL, LINDA RUGG, ALESA
BECK, TIMOTHY BLAKEY, JR.,
STEPHANIE BLAKEY, MARISA
THOMPSON, MUHAMMAD MUDDASIR
KHAN, ELIZABETH COOPER, JOHN
ROGERS, VALERIE MORTZ-ROGERS,
and LAKESHA GOGGINS, each individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

THE BOEING COMPANY and
SOUTHWEST AIRLINES CO.,

Defendants.

Civil Action No. 4:19-cv-00507

MOTION TO FILE UNDER SEAL

Pierce Bainbridge Beck Price & Hecht LLP (“Pierce Bainbridge”) hereby moves the Court for leave to file its Supplemental Response to Andrew Williamson’s Notice and *Ex Parte* Submission (“Supplemental Response”), Declaration of David L. Hecht, Declaration of Andrew J. Lorin, Declaration of Camille Varlack, Declaration of Raymond Torres, and Exhibits A and B to the Hecht Declaration. Boeing was the only party that responded to an email inquiry regarding any opposition to filing under seal, and Boeing refused to consent unless provided a copy of the Supplemental Response, despite being informed that the Supplemental Response would be addressing and thus necessarily referring to subject matter that the Court already permitted to be filed under seal.

The Supplemental Response contains references to confidential information that the Court already ordered to be sealed in Dkt. 116. Additionally, Pierce Bainbridge’s Supplemental

Response refers to additional information and documents that have been designated as “Confidential”.

Although “the public has a common law right to inspect and copy judicial records,” that right is not absolute. *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993) (citations omitted). Courts “must balance the public’s common law right of access against the interests favoring nondisclosure.” Good cause to allow sealing exists here, where Pierce Bainbridge’s Supplemental Response necessarily requires reference to and discussion of materials already filed under seal, while including an additional exhibit that has been designated as “Confidential”.

For the reasons stated above, Pierce Bainbridge respectfully requests that this Court allow Pierce Bainbridge to file its Supplemental Response and the ancillary declarations and exhibits under seal.

Dated June 8, 2020

/s/ David L. Hecht
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Andrew J. Lorin (NY: 2368249)
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CERTIFICATE OF CONFERENCE

As required by Local Rule CV-7(i), Mr. Hecht sent an email to all counsel, electronically on June 8, 2020. Boeing was the only party that responded to an email inquiry regarding any opposition to filing under seal. Bryan Schmalzbach of Maguire Woods indicated that Boeing would allow a motion to seal, and would review and respond in due course. Other counsel did not respond as to whether they oppose the relief requested.

/s/ David L. Hecht
David L. Hecht

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on all counsel of record through the Court's EM/ECF electronic filing system on June 8, 2020

/s/ David L. Hecht
David L. Hecht